

**SUPREME COURT MINUTES
MONDAY, NOVEMBER 17, 1997
SAN FRANCISCO, CALIFORNIA**

S054812 People, Plaintiff and Respondent

v.

Raymond Aguilar et al., Defendants and Appellants

The judgment of the Court of Appeal is reversed and the cause is remanded to the Court of Appeal for consideration of defendant's remaining appellate claims.

Werdegar, J.

We Concur:

George, C.J.

Baxter, J.

Chin, J.

Brown, J.

Concurring Opinion by Mosk, J.

I Concur:

Kennard, J.

1st Dist. Thomas W. Taylor, Petitioner

A080455 v.

Div. 5 San Francisco County Superior Court, Respondent

S065688 People, Real Party in Interest

Application for stay and petition for review DENIED.

2nd Dist. People, Respondent

B105615 v.

Div. 3 Stephen Francis Snow, Appellant

S065786 The time for granting or denying the request to transfer on the court's own motion in the above mentioned cause is hereby extended to and including January 13, 1998, or the date upon which review is either granted or denied.

S012568 People, Respondent

v.

Philip Lucero, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's reply brief is extended to and including January 13, 1998.

S025122 People, Respondent

v.

Deondre Arthur Staten, Appellant

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's brief is extended to and including January 15, 1998.

S028804 People, Respondent

v.

Jessie Ray Moffett, Appellant

On appellant's application and good cause appearing, appellant is granted to and including January 20, 1998, to request correction of the record on appeal in the superior court. Counsel shall notify the Supreme Court clerk in writing when the request has been made.

S060675 In re Robert Henry Nicolaus

on

Habeas Corpus

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's informal response to the petition for writ of habeas corpus is extended to and including December 8, 1997.

S063658 People, Respondent

v.

Don Victor Harbolt, Appellant

Upon request of appellant for appointment of counsel, Linda Zachritz is hereby appointed to represent appellant on his appeal now pending in this court.

S065714 Claude Raymond Smith, Petitioner

v

Los Angeles County Superior Court, Respondent
People, Real Party in Interest

The above-entitled matter is transferred to the Court of Appeal,
Second Appellate District.

S064071 In re **Robert B. Ayers, Jr.** on Discipline

It is ordered that **Robert B. Ayers, Jr.** be suspended from the practice of law for 90 days, that execution of suspension be stayed, and that he be placed on probation until August 25, 2000, on condition that he be actually suspended for 90 days and until he makes restitution to Jean Simonek in the amount of \$2,000 and furnishes satisfactory proof thereof to the State Bar Probation Unit. Should the period of actual suspension exceeds two years, he shall remain suspended until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. He is ordered to comply with rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) within 30 and 40 days, respectively, after the date this order is effective.* He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed June 10, 1997, as modified by its order filed June 12, 1997. Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with Business and Professions Code section 6140.7 (as amended effective January 1, 1997).

*(See Business & Professions Code, § 6126, subd. (c).)

S064074 In re **Melanie L. Morgan** on Discipline

It is ordered that **Melanie L. Morgan** be suspended from the practice of law for three years, that execution of suspension be stayed, and that she be placed on probation for three years subject to the conditions of probation, including actual suspension for one years, recommended by the Hearing Department of the State Bar Court in its order made regarding stipulation filed July 17, 1997. It is also ordered that she take and pass the Multistate Professional Responsibility Examination administered by the National Conference

of Bar Examiners, and provide proof of her passage of that examination, within one year after the effective date of this order or during the period of her actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is also ordered that she comply with rule 955, California Rules of Court, and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and shall be paid as recommended by the State Bar Court order of July 17, 1997.

*(See Business & Professions Code, § 6126, subd. (c).)

S064075 In re **Michael Shelley** on Discipline

It is ordered that **Michael Shelley** be suspended from the practice of law for 90 days, that execution of suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Regarding Stipulation filed May 2, 1997, as amended July 10, 1997. It is further ordered that he take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and those costs are payable in accordance with section 6140.7 (as amended effective January 1, 1997).

S064088 In re **Peter Russel DiDonato** on Discipline

It is ordered that **Peter Russel DiDonato** be suspended from the practice of law for 90 days, that execution of suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Regarding Stipulation filed July 16, 1997. Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with Business and Professions Code section 6140.7 (as amended effective January 1, 1997).

S064090 In re **Lazaro J. Machado** on Discipline

It is ordered that **Lazaro J. Machado** be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for 90 days and until he makes restitution to Rogelio Gonzalez in the amount of \$2,000 plus interest at the rate of 10% per annum from June 18, 1992, and furnishes satisfactory proof thereof to the State Bar Probation Unit. He is ordered to comply with rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) within 30 and 40 days, respectively, after the date this order is effective.* He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed May 22, 1997, as modified by its order filed July 3, 1997. Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with Business and Professions Code section 6140.7 (as amended effective January 1, 1997).

*(See Business & Professions Code, § 6126, subd. (c).)

S064091 In re **Paul A. Franklin** on Discipline

It is ordered that **Paul A. Franklin** be suspended from the practice of law for four years and until he complies with the conditions of probation ordered below and demonstrates his rehabilitation, fitness to resume the practice of law and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of said suspension be stayed, and that he be placed on probation for four years on conditions including actual suspension for 18 months and until he demonstrates to the State Bar Court his rehabilitation, fitness to resume the practice of law and learning and ability in the general law pursuant to standard 1.4(c)(ii). He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Regarding Stipulation filed June 11, 1997. It is also ordered that he take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners within 18 months after the effective date of this order and provide the State Bar Probation Unit with satisfactory proof that he has passed that examination within said time period. (See *Segretti v. State Bar*

(1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs payable in accordance with Business and Professions Code section 6140.7 are awarded to the State Bar pursuant to Business and Professions Code section 6086.10.

*(See Business & Professions Code, § 6126, subd. (c).)

S064093 In re **Lawrence Mason Kelly** on Discipline

It is ordered that **Lawrence Mason Kelly** be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 90 days and until he makes restitution to Patrick McGurk in the amount of \$1,000 and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of Trials. If the period of actual suspension exceeds two years, he shall remain suspended until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Regarding Stipulation filed June 11, 1997, as amended July 10, 1997. It is further ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar and shall be added to and become part of the membership fee for the next calendar year. (Bus. & Prof. Code, § 6140.7.)

*(See Business & Professions Code, § 6126, subd. (c).)

S064094 In re **James Garrett** on Discipline

It is ordered that **James Garrett** be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including 90 days actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Regarding Stipulation filed May 12, 1997, as amended July 10, 1997. It is also ordered that he take and pass the Multistate Professional

Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and those costs are payable in accordance with section 6140.7 (as amended effective January 1, 1997).

*(See Business & Professions Code, § 6126, subd. (c).)

S064171 In re **Nicole Morgan Hanson** on Discipline

It is ordered that **Nicole Morgan Hanson** be suspended from the practice of law for one year, that execution of suspension be stayed, and that she be placed on probation for two years subject to the conditions of probation, including 90 days actual suspension, recommended by the Hearing Department of the State Bar Court in its decision filed April 16, 1997, as modified by its order filed June 20, 1997. It is also ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that she comply with rule 955, California Rules of Court, and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with Business and Professions Code section 6140.7 (as amended effective January 1, 1997).

*(See Business & Professions Code, § 6126, subd. (c).)

S065249 In re **Nian Stevenson Roberts II** on Discipline

Upon petition for reinstatement and recommendation of the State Bar of California, it is ordered that **Nian Stevenson Roberts II** be reinstated as a member of the State Bar of California upon payment of the fees, including those due and owing under Business and Professions Code section 6140.5, subdivision (c), and taking the oath required by law.

S065251 In re **Thomas Weldon Harris** on Discipline

Upon petition for reinstatement and recommendation of the State Bar of California, it is ordered that **Thomas Weldon Harris** be reinstated as a member of the State Bar of California upon payment of the fees and taking the oath required by law.

S065418 In the Matter of the Resignation of **Aaron K. Jackson**
A Member of the State Bar of California

The voluntary resignation of **Aaron K. Jackson** as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against him should he hereafter seek reinstatement. It is ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Business & Professions Code, § 6126, subd. (c).)

S065422 In the Matter of the Resignation of **Cary Jay Silberman**
A Member of the State Bar of California

The voluntary resignation of **Cary Jay Silberman** as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against him should he hereafter seek reinstatement. It is ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Business & Professions Code, § 6126, subd. (c).)

S065609 In the Matter of the Resignation of **Steven M. Kishelowitz**
A Member of the State Bar of California

The voluntary resignation of **Steven M. Kishelowitz** as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against him should he hereafter seek reinstatement. It is ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60

and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Business & Professions Code, § 6126, subd. (c).)

S065612 In the Matter of the Resignation of **Donald Edward Connors**
A Member of the State Bar of California

The voluntary resignation of **Donald Edward Connors** as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against him should he hereafter seek reinstatement. It is ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Business & Professions Code, § 6126, subd. (c).)